THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22508 of 2005

Dated: 03.07.2006

Between
Mutyala Nageswara Rao

…..Petitioner

and

1.The District Collector, West godavari Dsitrict,
Eluru and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22508 of 2005

ORDER:

This writ petiton is filed seeking a Mandamus declaring the action of the 3rd respondent in not conducting a detailed enquiry with proper perspective as per G.O.Ms.No.223 (Agriculture & Cooperation IV Department) dated 27.6.2005 and touching upon all the irregularities raised by the petitioner in the representation dated 1.10.2005 resulting in the respondents including the names of ineligible members in the voters list despite finding them as ineligible to vote as illegal and arbitrary.

It is the case of the petitioner that he had brought out various illegalities to the notice of the 3rd respondent. However, the 3rd respondent informed him that the representation was referred to the 4th respondent and on a consideration of such report, the 3rd respondent finally observed that the mass enrolment of membership for 563 members on 5.9.2005 is only with a motive to gain eligibility to vote in the society. According to the petitioner, the very admission of 563 members is illegal and was done without any enquiry into the matter

Be that as it may. Now, the learned Government Pleader submits that the elections were already held as per the interim orders of this Court and results were also declared. Therefore, the only course left to the petitioner is to work out his remedies by filing regular appeal before the Election Tribunal since the

questions of fact requiring recording evidence etc., cannot be decided in this writ petition.

In view of the above, the writ petition is closed, leaving liberty to the petitioner to approach the appropriate Election Tribunal and file an appeal as per law. On filing such appeal, the Tribunal shall entertain the same without raising any objection as to the limitation and dispose of the same as per law, within a period of six months thereafter.

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03.07.2006

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